FARAD CONTINUTION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Appln no. 352 of 2006
with
A.O.No. 255 of l995

Office Notes,Office Memorandum of Coram appearence,Court's Orders & Directions and Registrar's Order	Court or Judge's Order

Mr.S.J.Paradkar for petitioner

CORAM; A.M.KHANWILKAR J.

DATED l3.4.2006

P.C.

. Heard learned counsel for the applicant. Even if the explanation offered in this application was to be accepted as sufficient cause, I see no propriety in entertaining this application for the simple reason that the appeal from order has been filed against an interlocutory order passed by the City Civil Court, Mumbai on 6.2.l994 (as mentioned in the copy of the impugned order at page 7 of the paper book and 3.2.l995 as mentioned

in the memo of appeal). By the said order the notice of motion no.3348 of l994 was made absolute in terms of prayer clause (b) on certain conditions. The appellant/ applicant has suffered the said order since then. The learned counsel for the applicant fairly accepts that the suit has now proceeded for trial which was pending since l994. Taking over all view of the matter, I see no propriety in entertaining this application. This application as well as the appeal is disposed of with the observation that the trial court shall proceed with the suit expeditiously. All questions on merits are left open to be decided at the trial of the suit.